

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82035 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- MAHILA PS District- Darbhanga

Harshvardhan Jha, son of Kashikant Jha Resident of Village - Ladaur, P.S.-
Gaighat, Distt - Muzaffarpur. At present Resident of Mumbai Rajendra
Bhawan II Floor Near Mahadev Mandir, Pathraili Raod, P.S.- Thane Mumbai,
Distt - Thane (Maharashtra) Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand

For the Opposite Party/s : Mr.Arbind Kumar Pandey App

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 16-01-2020 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State as well as learned

counsel for the informant.

On 11.12.2019 Mr. N.K. Agrawal, Sr. advocate
persuaded the Court that his client is ready to enter into
understanding with the opposite party and on his submission,
which finds reflection in the order dated 11.12.2019, the Court
passed order granting indulgence as to no coercive steps shall be
taken against the petitioner in connection with Trial No. 3674 of
2019 arising out of Mahila P.S. Case No. 15 of 2019 pending in
the court of Sub-Divisional Judicial Magistrate, Darbhanga.

Today, the petitioner and the opposite party are
present in the court. The opposite party is ready to stay with the
petitioner but the petitioner is not inclined to keep the opposite
party. There is no dispute that the petitioner is husband of the
informant-opposite party no.2, para-6 of the petition in most



unequivocal terms admits the position that the petitioner is husband of the informant.

After solemnization of marriage, it is the allegation of the informant that she was driven out from her matrimonial house for non-fulfillment of demand of dowry and she was meted with cruelty.

The Court on the request of the learned senior counsel granted indulgence with a view to restore normal conjugal life between the husband and the wife but the attitude adopted by the husband renders the normal conjugal life impossible and under the aforesaid circumstances the Court is left with no option but to reject the application for grant of anticipatory bail.

The petition for anticipatory bail is hereby rejected as the Court does not find any merit in the instant case for grant of anticipatory bail in a case under section 323/498(A) 504/506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act as there is direct and specific allegation against the petitioner.

(Anil Kumar Upadhyay, J)

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